

107TH CONGRESS
1ST SESSION

S. 376

To amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States counterdrug efforts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2001

Mr. GRASSLEY (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961 to modify for fiscal years 2002 through 2004 the procedures relating to assistance for countries not cooperating in United States counterdrug efforts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. THREE-YEAR MODIFICATION OF PROCEDURES**
 2 **RELATING TO ASSISTANCE FOR COUNTRIES**
 3 **NOT COOPERATING WITH UNITED STATES**
 4 **COUNTERDRUG EFFORTS.**

5 (a) IN GENERAL.—Chapter 8 of part I of the Foreign
 6 Assistance Act of 1961 (22 U.S.C. 2291 et seq.) is amend-
 7 ed by adding at the end the following new section:

8 **“SEC. 490A. LIMITATIONS DURING FISCAL YEARS 2002, 2003,**
 9 **AND 2004 ON ASSISTANCE FOR COUNTRIES**
 10 **NOT COOPERATING WITH UNITED STATES**
 11 **COUNTERDRUG EFFORTS.**

12 “(a) ANNUAL IDENTIFICATION OF COUNTRIES NOT
 13 COOPERATING.—Not later than November 1 of 2001,
 14 2002, and 2003, the President shall submit to the appro-
 15 priate committees of Congress a report identifying each
 16 country, if any, that the President proposes to be subject
 17 to the provisions of subsection (f) in the fiscal year in
 18 which the country is so identified by reason that such
 19 country—

20 “(1) is not cooperating fully with the United
 21 States in achieving full compliance with the goals
 22 and objectives of the United Nations Convention
 23 Against Illicit Traffic in Narcotic Drugs and Psy-
 24 chotropic Substances;

1 “(2) is not taking adequate steps on its own to
2 achieve full compliance with the goals and objectives
3 of the Convention; or

4 “(3) is not taking adequate steps to achieve full
5 compliance with the goals and objectives of a bilat-
6 eral agreement with the United States on illicit drug
7 control.

8 “(b) COUNTRIES SUBJECT TO WITHHOLDING OF BI-
9 LATERAL ASSISTANCE AND OPPOSITION TO MULTILAT-
10 ERAL ASSISTANCE.—

11 “(1) IDENTIFICATION.—Not later than March 1
12 of 2002, 2003, and 2004, the President shall submit
13 to the appropriate committees of Congress a report
14 identifying each country, if any, that shall be subject
15 to the provisions of subsection (f) during the fiscal
16 year in which the country is so identified under this
17 subsection by reason of its identification in the most
18 recent report under subsection (a).

19 “(2) LIMITATION ON COUNTRIES IDENTI-
20 FIED.—A country may be identified in a report
21 under paragraph (1) only if the country is also iden-
22 tified in the most recent report under subsection (a).

23 “(c) CONSIDERATIONS REGARDING COOPERATION.—
24 In determining whether or not a country is to be identified

1 in a report under subsection (a) or (b), the President shall
2 consider the extent to which the country—

3 “(1) has met the goals and objectives of the
4 United Nations Convention Against Illicit Traffic in
5 Narcotic Drugs and Psychotropic Substances, in-
6 cluding action on such matters as illicit cultivation,
7 production, distribution, sale, transport, financing,
8 money laundering, asset seizure, extradition, mutual
9 legal assistance, law enforcement and transit co-
10 operation, precursor chemical control, and demand
11 reduction;

12 “(2) has accomplished the goals described in
13 the applicable bilateral narcotics control agreement
14 with the United States or a multilateral agreement;

15 “(3) has taken legal and law enforcement meas-
16 ures to prevent and punish public corruption, espe-
17 cially by senior government officials, that facilitates
18 the production, processing, or shipment of narcotic
19 and psychotropic drugs and other controlled sub-
20 stances, or that discourages the investigation or
21 prosecution of such acts; and

22 “(4) in the case of a country that is a producer
23 of licit opium—

1 “(A) maintains licit production and stock-
2 piles of opium at levels no higher than those
3 consistent with licit market demand; and

4 “(B) has taken adequate steps to prevent
5 significant diversion of its licit cultivation and
6 production of opium into illicit markets and to
7 prevent illicit cultivation and production of
8 opium.

9 “(d) OMISSION FOR NATIONAL SECURITY REA-
10 SONS.—

11 “(1) IN GENERAL.—The President may omit
12 from identification in a report under subsection (b)
13 a country identified in the most recent report under
14 subsection (a) if the President determines that the
15 vital national security interests of the United States
16 require that the country be so omitted.

17 “(2) NOTICE TO CONGRESS.—If the President
18 omits a country under paragraph (1) from a report
19 under subsection (b), the President shall include in
20 the report under that subsection—

21 “(A) a full and complete description of the
22 vital national security interests of the United
23 States placed at risk if the country is not so
24 omitted; and

1 “(B) a statement weighing the risk de-
2 scribed in subparagraph (A) against the risk
3 posed to the vital national security interests of
4 the United States by reason of the failure of
5 the country to cooperate fully with the United
6 States in combatting narcotics or to take ade-
7 quate steps to combat narcotics on its own.

8 “(e) CONGRESSIONAL ACTION.—

9 “(1) IN GENERAL.—The provisions of sub-
10 section (f) shall apply to a country in a fiscal year
11 if Congress enacts a joint resolution, not later than
12 March 30 of the fiscal year, providing that such pro-
13 visions shall apply to the country in the fiscal year.

14 “(2) COVERED COUNTRIES.—A joint resolution
15 referred to in paragraph (1) may apply to a country
16 for a fiscal year only if the country was not identi-
17 fied in the report in the fiscal year under subsection
18 (b).

19 “(3) SENATE PROCEDURES.—Any joint resolu-
20 tion under this subsection shall be considered in the
21 Senate in accordance with the provisions of section
22 601(b) of the International Security Assistance and
23 Arms Export Control Act of 1976 (Public Law 94–
24 329; 90 Stat. 765), except that for purposes of that
25 section the certification referred to in section

1 601(a)(2)(B) of that Act shall be the applicable re-
 2 port of the President under subsection (b) of this
 3 section.

4 “(f) WITHHOLDING OF BILATERAL ASSISTANCE AND
 5 OPPOSITION TO MULTILATERAL ASSISTANCE.—

6 “(1) BILATERAL ASSISTANCE.—Commencing on
 7 March 1 of a fiscal year in which a country is identi-
 8 fied in a report under subsection (b), or March 31
 9 in the case of a country covered by a joint resolution
 10 enacted in accordance with subsection (e), fifty per-
 11 cent of the United States assistance allocated to the
 12 country for the fiscal year in the report required by
 13 section 653 shall be withheld from obligation and ex-
 14 penditure.

15 “(2) MULTILATERAL ASSISTANCE.—Com-
 16 mencing on March 1 of a year in which a country
 17 is identified in a report under subsection (b), or
 18 March 31 in the case of a country covered by a joint
 19 resolution enacted in accordance with subsection (e),
 20 the Secretary of the Treasury shall instruct the
 21 United States Executive Director of each multilat-
 22 eral development bank to vote, on and after that
 23 date, against any loan or other utilization of the
 24 funds of such institution for the country.

1 “(3) MULTILATERAL DEVELOPMENT BANK DE-
 2 FINED.—In this subsection, the term ‘multilateral
 3 development bank’ means the following:

4 “(A) The International Bank for Recon-
 5 struction and Development.

6 “(B) The International Development Asso-
 7 ciation.

8 “(C) The Inter-American Development
 9 Bank.

10 “(D) The Asian Development Bank.

11 “(E) The African Development Bank.

12 “(F) The European Bank for Reconstruc-
 13 tion and Development.

14 “(g) APPROPRIATE COMMITTEES OF CONGRESS DE-
 15 FINED.—In this section, the term ‘appropriate committees
 16 of Congress’ means the following:

17 “(1) The Committees on Foreign Relations and
 18 Appropriations of the Senate.

19 “(2) The Committees on International Rela-
 20 tions and Appropriations of the House of Represent-
 21 atives.”.

22 (b) RELATIONSHIP TO CURRENT CERTIFICATION
 23 PROCESS.—Section 490 of the Foreign Assistance Act of
 24 1961 (22 U.S.C. 2291j) is amended by adding at the end
 25 the following new subsection:

1 “(i) LIMITATION ON APPLICABILITY.—This section
 2 shall not apply during fiscal years 2002, 2003, and 2004.
 3 For limitations on assistance during those fiscal years for
 4 countries not cooperating with United States counterdrug
 5 efforts see section 490A.”.

6 (c) CONFORMING AMENDMENT.—Section
 7 489(a)(3)(A) of the Foreign Assistance Act of 1961 (22
 8 U.S.C. 2291h(a)(3)(A)) is amended by inserting after
 9 “under section 490(h)” the following “or, in 2002, 2003,
 10 and 2004, as otherwise determined by the President for
 11 purposes of this section”.

12 **SEC. 2. INCLUSION OF MAJOR DRUG TRAFFICKING ORGA-**
 13 **NIZATIONS IN INTERNATIONAL NARCOTICS**
 14 **CONTROL STRATEGY REPORT.**

15 Section 489 of the Foreign Assistance Act of 1961
 16 (22 U.S.C. 2291h), as amended by this Act, is further
 17 amended—

18 (1) in subsection (a), by adding after the flush
 19 matter at the end of paragraph (7) the following
 20 new paragraph (8):

21 “(8) The identity of each organization deter-
 22 mined by the President to be a major drug traf-
 23 ficking organization, including a description of the
 24 activities of such organization during the 2 fiscal
 25 years preceding the fiscal year of the report.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(c) DEFINITIONS.—In this section:

4 “(1) MAJOR DRUG TRAFFICKING ORGANIZA-
5 TION.—The term ‘major drug trafficking organiza-
6 tion’ means any organization engaged in substantial
7 amounts of illicit activity to cultivate, produce, man-
8 ufacture, distribute, sell, finance, or transport nar-
9 cotic drugs, controlled substances, or listed chemi-
10 cals, engages in money laundering or proceeds from
11 such activities, or otherwise endeavor or attempt to
12 do so, or to assist, abet, conspire, or collude with
13 others to do so.

14 “(2) NARCOTIC DRUG; CONTROLLED SUB-
15 STANCE; LISTED CHEMICAL.—The terms ‘narcotic
16 drug’, ‘controlled substance’, and ‘listed chemical’
17 have the meanings given those terms in section 102
18 of the Controlled Substances Act (21 U.S.C. 802).”.

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